

DELEGATED REPORT

Application No: P/24/0143

Site Address: Ty Bunc
Queens Road
Twynyroddyn
Merthyr Tydfil
CF47 0HE

Development: Change of use to Cafe and Takeaway with alterations to windows and doors

Case Officer: Rebecca Owens

Site Visit: 1st July 2024

Application Expiry Date: 29th August 2024

Consultation reply date expired: 6th August 2024

APPLICATION SITE

The application relates to the single storey side annexe of a local listed building known as The Croft. This property is located within the settlement boundary and the Thomastown Conservation Area being directly opposite Thomastown Park. There is a highway to the front, public footpaths/steps to the sides and dwelling to the rear which occupy a significantly lower level.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the side annexe from a short term holiday let to a café and takeaway which would include external alterations.

The annexe would be converted to include a food preparation area and seating with additional seating located on the hardstanding to the side. The existing garage structure would remain unaltered providing a store toilets and shower.

The opening hours of the café have not been provided but the application form indicates that it would employ two full time staff and two part time staff. It would serve hot and cold snacks/pastries, hot and soft drinks, sweets and ice cream which would not necessitate a flue.

The external alterations relate to replacement of upvc windows in the front elevation and the insertion of a large glazed doorway in the side elevation providing access onto the hardstanding area to be used for outdoor seating.

The plans also indicate that a bat box and bird nest box would be provided.

PLANNING HISTORY

The relevant planning history is summarised below:

P/23/0017	Convert existing garage into coffee shop Granted planning permission subject to conditions on 7 September 2023
P/22/0292	Change of use from 2 bedroom dwelling with annexe to short term holiday rental Granted planning permission subject to conditions on 19 December 2022
P/22/0174	Change of use from A3 use to residential annex Granted planning permission subject to conditions on 3 August 2022
P/05/0625	Removal of condition 5 of planning consent ref: P/00/0277 which limits the type of cooking equipment that may be used at the premises Granted on 25 January 2006
P/02/0261	Variation of condition 5 of Planning Consent No. P/00/0277 to allow the use of a surface mounted chip fryer. Refused on 3 September 2002
P/00/0277	Proposed extension to existing shop and food preparation and servery area associated with proposed A3 (coffee shop/snack bar) facility Granted planning permission subject to conditions on 15 September 2000
P/99/0059	Change of use of part of dwelling to shop (amended proposal) Granted planning permission on 1 April 1999
P/98/0425	Change of use to general store Granted planning permission on 10 November 1998

CONSULTATION

The following bodies were consulted and their responses are presented below:

Planning Policy	No objection
Ecologist Officer	No objection
Head of Engineering and Highways	No objection
Environmental Health Manager	No objection subject to conditions
Dwr Cymru Welsh Water	No objection subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, 3 site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW4 Retail Allocation
- EcW6 Out-of-Town Retailing Areas
- EcW7 Tourism, Leisure and Recreation Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 3, Shopfront Design
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The proposal is located within the settlement boundary and as such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect it is noted that Policy SW13 supports the provision of new and enhanced community facilities. As this proposal would introduce a new café/takeaway to the area the development would accord with this.

Policy EcW3 states that Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by local centres. Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability. Similarly, Policy EcW6 relates to proposals for retail development on new sites or existing retail areas in out-of-town locations. Note that these will only be permitted where:

- It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town or local retail centre, and
- The proposal would not either individually or cumulatively with other existing or consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town or local centres.

It is acknowledged that the proposal would introduce an A3 use outside of a defined town or local centre. However, in this instance, the facility is small and is unlikely, given its size, to have a harmful impact upon the vitality or viability of the town centre or any other centre. Moreover, the unit would primarily serve the visitors of the adjacent, and recently improved, Thomastown Park, and is unlikely to compete with similar uses in the nearby local centres. As such, the application would not contravene with policies EcW3 and EcW6.

It is recognised that the application site is located within the Thomastown Conservation Area and Urban Character Area 2. As such the impact of the proposal on the character and setting of these designations along with the visual amenities of the area in general are an important consideration. In addition, the property itself is locally listed and as such more careful consideration should be given to protecting its character and appearance. However, the only external alterations proposed relate to windows and doors. The proposal includes the insertion of a new large glazed doorway in the side elevation, which would not be readily visible from the front street scene and as such these alteration would not give rise to any significant harmful impacts. Additionally, the proposal includes the replacement of the front windows. Whilst this would be a far more prominent alteration, the existing upvc windows are not of a design which complements the character of the property as a whole. As such their replacement with upvc alternatives would not have a negative impact. Indeed, the design of the replacement windows is considered to be an improvement on the existing units which would be more sympathetic to the windows in the main front elevation of the two storey element. As such no concerns are raised with respect to the external works which would comply with Policies SW11 and CW1 of the LDP.

Notwithstanding the above it is recognised that café and takeaways can sometime require a flue to deal with cooking fumes. These are often unattractive additions which can have a harmful impact and it is noted that a flue may not be acceptable on a locally listed building within a conservation area unless it can be demonstrated that its visual impact would not be harmful. However, in this instance the agent has confirmed that a flue is not required for the food and drink that would be served and should one be required in the future this would be subject to a planning application which could then be assessed in terms of its suitability and visual impact.

Consideration has also been had for the impact of the proposal on the residential amenities of the neighbouring residents. In this respect it is noted that there are dwellings located to the rear of the site and others within the nearby vicinity of the site. Given the

scale and nature of the external alterations proposed no concerns are raised with respect to overbearing impact, overshadowing, loss of light or overlooking. However, it is recognised that a Café/takeaway facility would generate more comings and goings than the existing use, which could result in increased noise and disturbance. However, the nearest dwellings are located some distance to the rear of the property at a lower level and the majority of activity would be located to the front. As such it is not considered that there would be any significant impact on the occupiers of these dwellings. Furthermore, there is already a level of activity present from the park opposite, which attracts visiting members of the public, along with the nearby tennis courts and bowls club. Thus given the scale of the café it is not considered that this would increase noise and disturbance to a degree that would result in any significant harm. In this respect it is also noted that no objections were received from the Environmental Health Manager or indeed following the publicity exercise.

Cafés and takeaway facilities can also generate odours from cooking which can harm residential amenity. However, given the scale and nature of the café proposed and the types of food and drink which would be served, it is not considered that this would be an issue. However, if this were to change and cooking odours did become a problem, it would be a matter for the Environmental Health Division.

It is noted that the proposal would result in the loss of the current off street parking space located on the hard standing area between the annexe and garage. However, this area would be used for movable tables and chairs which could therefore act as a flexible space and still be utilised for parking outside of the café opening hours. Notwithstanding this, the site is located in close proximity of public transport links and there is on street parking available along the adjacent highway. It is also noted that the proposed café is likely to serve local residents and visitors to Thomastown Park who would either be in close enough proximity to travel on foot or travelling to the area to use the park and utilising the café at the same time. Having regard to the above and noting that no objections were received from the Head of Engineering and Highways, it is not considered justified to refuse the application on highway safety or parking grounds.

The application has been supported by a Bat Activity Survey which was originally submitted as part of a previous application (planning ref: P/23/0017). This has been considered by the planning division's Ecologist who is satisfied with the recommendations and given that the proposal would not interfere with the roof of the annexe has not requested any additional information or survey works. He has therefore not objected to the development subject to the enhancements in the form of the bat and bird boxes being provided. This can be secured via condition. It is also recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a change of use and minor external alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement are proposed which will be secured by condition. These would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been

considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Proposed Plans, Elevations & sections, Drawing Number: TY BUNC 01A, Amended Plan Received 4 July

Bat Activity Survey, Issue 1, Version A, May 2023, produced by BE Ecological Ltd, Received 19 July 2024

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **BEFORE** the use hereby approved commences, bat and bird boxes shall be installed in accordance with drawing number TY BUNC 01A. The bat and bird boxes box shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

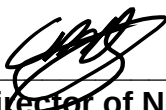
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

RECOMMENDATION ENDORSED


PP

Director of Neighbourhood Services

DATE: 30.07.2024